

1 any opinion arising out from Michigan in the 6th Circuit. The phrase appears exactly once in  
2 Michigan statute, under the Michigan State Natural Resources and Environmental Protection Act.  
3 See Mich. Comp. Laws § 324.20139. Only two cases cite that statute, one dismisses a civil claim  
4 based, in part, on the statute and the other states the statute only “authorizes criminal  
5 prosecutions[.]” *Cairns v. City of E. Lansing*, 738 N.W.2d 246, 252 (Mich. App. 2007) (emphasis  
6 added). “Criminal endangerment” is not a recognized cause of action in Michigan and the claim  
7 must be dismissed.

## 8 **II. Conclusion**


9 As set forth in this Motion, all of Plaintiff’s claims are subject to dismissal because they are  
10 barred by governing statute and case law, Plaintiff has failed to allege sufficient facts to plausibly  
11 state any claim for relief, or both. The Motion should be granted in its entirety and Plaintiff’s  
12 claims against Defendants should be dismissed with prejudice.

13  
14 Originally filed 6/23

FILED - GR  
July 6, 2015 11:19 AM  
TRACEY CORDES, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: ald SCANNED BY: me n/15

15  
16 ~~RESPECTFULLY SUBMITTED~~ this Thursday, July 2, 2015.

17 original signature sent

18  
19 

20 Michael Harnden  
21 Barry Rorex  
22 Counsel for Defendants  
23 Charles Rodrick and Web Express,  
24 LLC



25 Law Office Of  
26 Barry W. Rorex

27 Signature pages for Motion  
28 to Dismiss - Rodrick &  
(Dated 6/23/15) WebExpress

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Certificate of Service

I hereby certify that on July 2, 2015, I mailed the foregoing to the Clerk's office for filing at the following address:

Hon. Ellen S. Carmody  
% Clerk's Office  
399 Federal Bldg  
110 Michigan St NW  
Grand Rapids MI 49503

I further certify, pursuant to the agreement between the parties, that a copy of the foregoing was sent via email to Plaintiff.



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Counsel for Defendants  
Charles Rodrick and Web Express,  
LLC